



# TOWN OF HUDSON

## Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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### HUDSON PLANNING BOARD MEETING MINUTES August 10, 2011

#### I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:04 p.m. on Wednesday, August 10, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

#### II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Ulery to lead the assembly in pledging allegiance to the Flag of the United States of America.

#### III. ROLL CALL

Chairman Russo asked Secretary van der Veen to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

**Members**

**Present:** James Barnes, Glenn Della-Monica, George Hall, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

**Members**

**Absent:** None. (All present.)

**Alternates**

**Present:** Irene Merrill, Stuart Schneiderman, and Jordan Ulery.

**Alternates**

**Absent:** Roger Coutu (Selectmen's Representative Alternate, excused).

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Russo noted that all regular members were present, so no alternates would be seated at this time.

**V. MINUTES OF PREVIOUS MEETING(S)**

Chairman Russo asked if any members were prepared to review any minutes.

Mr. Seabury, the recorder, noted that his machine was still warming up. He then commented that he had experienced difficulty in making the changes that had been requested for the minutes reviewed at the previous meeting before he had arrived at that meeting, because identifications of what was to be changed were vague, with paragraphs, lines, and sentences being miscounted, as well as some grammatical changes with which he did not agree. He then asked Atty. Stephen Grill, present in the audience as the legal representative for the T-Mobil Cell Tower application, to identify the correct spelling of co-location. Atty. Grill said it was spelled variously by different people, saying his preference was "co-location." Mr. Seabury noted that this was how the term was spelled in the Zoning Ordinance.

Mr. Della-Monica addressed the minutes for the meeting of July 27, 2011.

- Page 5, 2<sup>nd</sup> paragraph from the bottom, last sentence, noting that it said "No one coming forward to provide input," but actually someone had come forward, and he suggested striking that phrase.

At this point Recorder Seabury noted that he had left his glasses in his car and had to go fetch them in order to continue. Selectman Maddox suggested that review of the minutes be deferred to the end of the meeting, and Chairman Russo so ruled.

**VI. CASES REQUESTED FOR DEFERRAL**

Selectman Maddox noted that there had been a request for deferral.

**C. 13 Park Avenue (Addition)  
SP# 01-11**

**Map 161/Lot 33  
13 Park Avenue**

**Purpose of plan: to show proposed 7,960-ft<sup>2</sup> addition and associated improvements. Hearing. Deferred Date Specific from the July 27, 2011. Planning Board Meeting.**

Chairman Russo read aloud the published notice, as repeated above. He then expressed concern about the number of deferrals that had been requested for this application. Town Planner Cashell noted that the Board had been reviewing this application since March, saying it had been deferred three or four times, and adding that the most recent sentiment of the applicant was that he planned on cleaning up the site between now and September 28<sup>th</sup> and having the plan revisions incorporated in accordance with the last Planning Board review prior to that meeting. Mr. Cashell added that he had told the applicant that, if he did not show very significant progress with respect to the cleanup and orderly outside storage, this Board most likely would not look favorably on the application, saying the Town was serious about getting the site cleaned up in accordance with zoning requirements; he said the applicant understood that and had agreed to get the site cleaned up over the next two months.

Chairman Russo said he did not understand the delay in reviewing the new part of the project. Town Planner Cashell expressed a belief that communication between the applicant and his engineer had not been that good, saying he had been serving as a go-between.

Selectman Maddox moved, in accordance with the applicant's request, to defer further review of the Site Plan application for 13 Park Avenue, Map 161 Lot 033, date specific, to the September 28, 2011, meeting, with the provision that the applicant was to provide a letter from the Code Enforcement Officer signing-off that the lot had been substantially cleaned up and met Town Code requirements, with this letter to be included in the Planning Board packet for the September 28, 2011, meeting.

Mr. Della-Monica seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

#### **VIII. PERFORMANCE SURETIES**

No **Performance Sureties** items were addressed this evening.

#### **IX. ZBA INPUT ONLY**

No **ZBA Input Only** items were addressed this evening.

#### **X. PUBLIC HEARINGS**

No **Public Hearings** items were scheduled for this evening.

**XI. OLD BUSINESS/PUBLIC HEARINGS**

**A. Brook Plaza/T-Mobile Wireless  
Conditional Use Permit – CU# 01-11**

**Map 190/Lot 187  
28 Lowell Road**

**Purpose of plan: Installation and operation of a 120-foot wireless telecommunications facility. Hearing. Deferred Date Specific from the 07-13-11 Planning Board Meeting.**

Chairman Russo read aloud the published notice, as repeated above.

Atty. Stephen Grill, from the firm of Devine, Millimet, & Branch Professional Association, 111 Amherst Street, Manchester, New Hampshire, appeared before the Board as the legal representative of the applicant, noting that he was accompanied by two representatives from T-Mobile. Atty. Grill referenced the discussion from the prior hearing, noting that the Board had been concerned with the status of Able Street, which he identified on the tax map and on a Google Earth display, commenting on certain details of what parts of the area were developed and what parts were not. He said the undeveloped portion had not been maintained by the Town for the past five years or more, which was a requirement to change from a Class VI road to a Class V road. He said he could not determine that it had been discontinued, so he assumed it was a paper road, meaning no one could use it without the Planning Board's permission and probably without the Board of Selectmen's permission. He said that, as a practical matter, they did not see it capable of development.

Mr. John Markus, agent for T-Mobile, referenced Sheet 3 of the application package, showing a Goggle Earth projection, and he commented on changes that had been made in consultation with Town Planner Cashell. He noted that waiver requests remained to be addressed.

Town Planner Cashell noted that the edge of the high-tension lines were 165 feet from the proposed tower location. Mr. Markus noted that the small area beyond the parking lot could not be developed without clear-cutting the trees. Atty. Grill said he thought it would have to be subdivided off the parking lot portion, noting that the owners of that property were not present to protest the proposal—adding that there was also a stream running through the property.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Russo declared the matter before the Board and asked if any members of the Board had any questions.

Selectman Maddox asked why the tower was proposed to be located where it was instead of at the other end off the parking lot. Atty. Grill said it was primarily for sighting, saying most people would not be able to see the tower from Lowell Road until after passing the curve, because of the trees and road configuration. He said another factor was to accommodate the use of the parking lot and to have a minimal impact on

the existing parking spaces. He said the other end of the parking lot was much more open, which would increase the visibility of the tower from the roadway.

Selectman Maddox asked if they had done a crane or balloon test. Atty. Grill said they had done a balloon test, pictures of which were included in the submitted packet. He explained that the balloon was floated, as shown in the pictures, and then it was replaced with a simulated tower for the photographs.

Selectman Maddox said he still had concerns about putting the tower on the lot line.

Mr. Della-Monica referenced the power lines, asking if they would have any effect on the propagation signals. Atty. Grill responded in the negative, saying the frequencies were so different that there was no interference. Mr. Della-Monica asked if the power lines would reduce the cell phone signal on that side. Mr. Markus answered in the negative, saying the tower would be high enough that there would be no interference. Atty. Grill noted that in some places antennas were placed right on top of the power line poles, but PSNH would not allow that.

Mr. Barnes referenced Item 3 on Town Planner Cashell's staff report, asking if the issue had been resolved. Mr. Cashell answered in the negative, saying the Board would have to address that if it wished to move forward tonight, noting that appropriate amendments had been provided for the draft motions, adding that the aerial photograph provided in the plan set did show all features within 200 feet of the tower location but had the wrong scale. Chairman Russo said this was pretty much a housekeeping issue. Mr. Cashell said the applicants had asked for two waivers (plan scale and HISS mapping) that they really did not have to ask for, but three requests remained, as cited in the staff report (fiscal/environmental, traffic study, and noise study). He noted that his draft motion for approval included the required amendment.

Chairman Russo asked if the report included the ZBA approval. Mr. Cashell said it had been included in the original packet, stating that T-Mobile had been given variances for the fall zone and for setback distance.

Mr. Barnes moved to grant the requested waiver from the requirements of HTC §275-9D, *Fiscal & Environmental Impact Study*, citing the reason for granting this waiver as being because the project had no discernable fiscal or environmental impact on the Town—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Malley seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Barnes moved to grant the requested waiver from the requirements of HTC §275-9B, *Traffic Study*, citing the reason for granting this waiver as being because this project would pose negligible impact on the associated roadway system—and, as such,

the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Malley seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Barnes moved to grant the requested waiver from the requirements of HTC §275-9C, *Noise Study*, citing the reason for granting this waiver as being because such a study was unnecessary, taking into consideration the considerable amount of natural landscape buffer existing along the rear and sides of the project site, together with the fact the site was surrounded by commercial developments—and, as such the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Malley seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Chairman Russo noted that there were a couple issues on the plan that needed to be addressed, according to the staff report. Mr. Barnes asked if Mr. Cashell was satisfied that the plan would be cleaned up with his proposed amendment. Mr. Cashell answered in the affirmative, adding that there might also be a stipulation to correct the drawing scale shown in the photograph.

Selectman Maddox referenced Stipulation #6 in the draft motion, saying “Acting Town Engineer” should be changed to “Town Engineer,” as Town Engineer Webster was no longer just acting in that capacity but had been appointed to that role.

Selectman Maddox asked Town Planner Cashell for a definition of “*fall-zone*.” Mr. Cashell outlined the definition, noting that the Zoning Board of Adjustment had approved the variance. Chairman Russo asked the members’ desire.

Mr. Barnes moved to approve the plan to approve the Site Plan and the Conditional Use Permit for the plan entitled **Brook Plaza, 28 Lowell Road, Hudson, NH 03051 Site Number: 4MN0462-D, Site Type: Rawland Monopole**, prepared by Maxton Technology, Inc., Bay State Design, 241 Boston Post Rd., West Marlborough, MA, dated: 01/07/10, revised through 06/13/11, consisting of Sheets T-1, C-1 through 3 and Z-1 through 3 and General Notes 1 through 14 as inscribed on Sheet Z-1, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Site Plan-of-Record.

2. All improvements shown on the Site Plan-of-Record, including Notes 1 through 14 shown on the Site Plan-of-Record, shall be completed in their entirety and at the expense of the applicant or his assigns.
3. Prior to the issuance of a final certificate of occupancy, an LLS-certified "As-Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
4. Construction activities involving the subject lot shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction activities shall occur on Sunday.
5. Prior to Planning Board endorsement of the plan, it shall be subject to final engineering review and shall be amended to include the following items:
  - a. A clearly defined Master Site Plan sheet.
  - b. Inscription of waivers on the Site Plan, together with typical Site Plan notes, Planning Board signature block, 1-year Site Plan Approval statement, owner's signature, and the stamps and signatures of the engineer and surveyor,
  - c. Installation of bollards in front of the WCT facility, fronting along the parking area, with each bollard installed 4 feet on center.
  - d. The scale of the parameter photograph shall be corrected to reflect actual scale (1 inch = 100 feet).
6. The applicant shall schedule a pre-construction meeting with the Town Engineer prior to applying for a building permit.
7. All terms and conditions of approval previously approved by the Planning Board for this site shall remain in effect with the approval of this plan.

Mr. Della-Monica seconded the motion.

Mr. Della-Monica asked if, after construction was complete, they anticipated testing of equipment on a Sunday. Atty. Grill said they would instruct the company not to do so.

Selectman Maddox said he was not going to vote in favor, saying the whole intent had been to not affect abutting properties and putting this on the lot line would be setting a bad precedent, as it could fall off the lot on which it was located.

Chairman Russo said he agreed with Selectman Maddox but would vote in favor in support of the Zoning Board of Adjustment process, noting that the Zoning Board of Adjustment had put a lot of effort and time in making its decision to grant the variances—adding however that he agreed that putting the tower on the lot line was not a good idea and that he hoped this would be reflected back to the Zoning Board of Adjustment for the next time this situation arose.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members present voted in favor except for Selectman Maddox, who voted in

opposition, and Chairman Russo declared the motion to have carried (6-1).

**B. Brook Plaza/T-Mobile Wireless  
SP# 02-11**

**Map 190/Lot 187  
28 Lowell Road**

**Purpose of plan: Installation and operation of a 120-foot wireless telecommunications facility. Hearing. Deferred Date Specific from the 07-13-11 Planning Board Meeting.**

Chairman Russo noted that the previous motion pertained to this associated application, as well, with both applications being approved, subject to the same stipulations.

**XII. DESIGN REVIEW PHASE**

No **Design Review Phase** items were addressed this evening.

**XIII. CONCEPTUAL REVIEW ONLY**

No **Conceptual Review Only** items were addressed this evening.

**XIV. NEW BUSINESS/PUBLIC HEARINGS**

**A. Michael & Rebecca Jarry LLA Plan  
SB# 08-11**

**Map 207/Lots 4 & 8  
143 Bush Hill Road**

**Purpose of plan: Proposed lot-line adjustment between Map 207/Lots 4 and 8. Application Acceptance & Hearing.**

Chairman Russo read aloud the published notice, as repeated above.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appeared before the Board as the engineering representative of the property owner, accompanied by Mr. Jeff Merrit, from that same firm.

Mr. Basso noted a portion of the property had been the subject of a prior subdivision approved in 2010, saying this present plan was to adjust the lot line to the orchard parcel, which was 31 acres, and Mr. Jarry's house lot, noting that the orchard would be subdivided in the next application, to be discussed afterward. He said the houselot was 77.5 acres right now, but 20 acres would be added to the orchard, making it about 51.5 acres, with no changes being made in frontage. He then identified where the property

was located on maps affixed to the meeting room wall. He said no waivers were being requested.

He then identified the plan affixed to the meeting room wall as being **Presentation Plan, Land of Rebecca & Michael Jarry, Map 207/Lots 4 & 8, Bush Hill Road, Hudson, New Hampshire**; prepared for and owned by Michael and Rebecca Jarry, dated May 2011, with no revisions.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Russo declared the matter before the Board and asked if any members of the Board had any questions.

Mr. Ulery asked if there were any modification taking place to Bush Hill Road. Mr. Basso said there would not be, as a result of this lot-line application, but there would be for the associated subdivision.

Mr. Barnes noted that the project discussed last year was much larger. Mr. Basso concurred, noting that Mr. Jarry had not purchased some of the lots previously intended to be consolidated.

Selectman Maddox noted that the application should be accepted before continuing. Chairman Russo concurred. Selectman Maddox then moved to accept the LLA Plan application for the plan entitled **Lot Line Adjustment Land of Michael & Rebecca Jarry, Map 207 Lots 4 & 8 Bush Hill Road, Hudson, NH**. Mr. Malley seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Basso noted other lots that had been under agreement before, that were no longer involved in the present plan, saying Mr. Jarry no longer had options to purchase the Frost property, Lot 32, and no longer had an option to purchase Lot 3. He said only the orchard and the house lot were affected at this time.

Selectman Maddox moved to approve the LLA Plan entitled "Lot Line Adjustment Land of Michael & Rebecca Jarry, Map 207 Lots 4 & 8, Bush Hill Road, Hudson, NH, prepared by Keach-Nordstrom Associates, Inc., dated: May, 2011 (no revisions), consisting of a Cover Sheet and Sheets 1 & 2 and Notes 1 through 7, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the HCRD, together with the Plan.
2. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan-of-Record.

Mr. Barnes seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

**B. Jarry Subdivision (Re-submittal)  
SB #09-11**

**Map 207/Lot 8  
Bush Hill Road**

**Purpose of plan: To amend SB #06-09 to create an 18-Lot Subdivision consisting of 17 open space lots and 1 conventional lot. Application Acceptance & Hearing.**

Chairman Russo read aloud the published notice, as repeated above.

Mr. Barnes moved to accept the subdivision application for the proposed 18-lot Jarry Open Space Development (OSD) Subdivision, located on Bush Hill Road, Map 207/Lot 8; Mr. Della-Monica seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion for Application Acceptance. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, identified two plans posted on the meeting room wall as follows:

- ***Presentation Plan, Jarry Subdivision, Map 207/Lot 8, Bush Hill Road, Hudson, New Hampshire;*** prepared for and owned by Michael & Rebecca Jarry, dated May 2011, revised through 07-28-11.
- ***Roadway Grading and Drainage Plan, Jarry Subdivision, Map 207/Lot 8, Bush Hill Road, Hudson, New Hampshire;*** owner and applicant: Michael & Rebecca Jarry; dated. May 2011, Revised 07-28-11.

Mr. Basso reviewed the history of the attempts to develop this property, noting it had been approved for an OSD. He said Mr. Jarry had decided not to subdivide the whole tract but to keep the majority of the land and just sell off what he needed in order to retire. He said the subdivision had been reconfigured accordingly, noting it had been reduced to an 18-lot subdivision, with a cul-de-sac that was 1,184 feet long, adding that he had incorporated the same improvements to Bush Hill Road that had been agreed to with the previous plan. He said the cul-de-sac now turned a bit differently, adding that the environmental impact had been eliminated. He said the now-proposed lots were primarily on the orchard piece, representing far less development and impact, but with the same off-site improvements that had been agreed to in the past. He said the proposed cul-de-sac would be longer than allowed, saying this was to offset the cost of the road improvements—adding that a sizeable chunk of land was being dedicated, so

they were asking for 184 extra feet of length. He said the plan had been reviewed by the Fire Department, which had asked for four of the homes to be sprinklered, which they had agreed to, as well as a 30,000-gallon cistern at a specific location. He noted the proposal was down from 36 lots to 18 lots, saying doing the subdivision this way did not allow for the other property to come back for subdivision in the future—adding that someone might propose another cul-de-sac to that property in the future, but it would yield far less lots than previously approved. He noted that CLD had reviewed the plan and its comments had been addressed.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against or with questions, Chairman Russo declared the matter before the Board and asked if any members of the Board had any questions.

Selectman Maddox said he had voted to approve the last time this site was before the Board because of the roadway improvement, because the Town would be getting a parcel next to the Circumferential Highway route that could be used in the future, and also because 200 acres of land were being taken out of development—but what was to say they could not come back to propose more lots for the remaining acreage, saying this new plan to his mind was not so good a deal, as the Town had been getting four times as much land taken out of development before. He said someone could come in and buy that land next year.

Mr. Basso said they had a loop road before, but a loop road would no longer be possible if this plan were constructed. He referenced the previous plan, identifying details, and saying the open space now being provided prevented that loop road from happening. He said the other parcel would be a separate parcel, under separate ownership, and there would be one-sided lots on the road, which was not very efficient. He said there were only about seven lots that had been proposed for the area that Selectman Maddox was concerned about, noting that the resulting cul-de-sac for that property would have to be many thousands of feet in length. He insisted that the loop road would be impossible if this new plan were approved. He said ending the cul-de-sac where it was proposed meant that the other development could not happen anymore, saying it would not be feasible to tie the other property in with the currently proposed development. At the end of the day, he contended, the Town would be making out with this new plan, adding that the property was being protected by default, and about the same amount of protected land was being provided, although not with easements over it. He acknowledged that a change of rules might make things different, but he expressed doubt that the 300-foot-wide wetland would ever be permitted for access, saying the road would have to go around it and he could not imagine that in his lifetime it would be economically feasible to do so. Selectman Maddox said he would be amused when Mr. Basso came back with a proposal to do just that in a couple years.

Mr. Della-Monica asked if the area in the back would be accessible to the public. Mr. Basso said it would be accessible to the residents of this proposed development. Mr. Della-Monica asked about ATVs. Mr. Basso said that would not be allowed, as this was only for passive recreation and its use would be restricted in the OSD

documentation. He said a marker saying no motorized vehicles could be added, saying they would be fine with that.

Mr. Barnes referenced the table of lot sizes, saying a number of the lots had very small building areas. Mr. Basso said he was 100% confident that the buildable area was sufficient, saying it had been calculated very specifically.

Mr. Barnes referenced Lot 8-01, noting that it was designated as a conventional lot. Mr. Basso said that lot technically did not have to be a part of the association, if one were formed, because it was over two acres in size. Mr. Barnes asked where the driveway for that lot would be; Mr. Basso said it had not yet been determined.

Mr. Barnes said he was more in favor of this plan than of the original loop road, because there was less impact on the wetlands. He said he still had a problem with proposed Lot 8-18, referring to Sheet 8 of 36. He said this lot had steep slopes at the back, and creating the road would create steep slopes on the front as well. Mr. Basso said that had been the same situation in the previous plan, saying it looked worse than it was, as the grade of the lot was chasing the grade; he said the house would be built close to the road, providing a usable back yard. He said it met the requirements and was a viable lot, adding that many of the lots in the previous plan had wetlands on the lots, which did not occur so much in this case. Mr. Barnes asked if special care would be taken with respect to erosion; Mr. Basso responded: "Absolutely."

Mr. Hall asked for the rationale for the density justification, as it was using land not part of this project. Mr. Basso displayed and referenced the conventional development plan, ***Conventional Subdivision Plan, Jarry Subdivision, Map 207/Lot 8, bush Hill /road, Hudson, New Hampshire, Hillsborough County***, dated April 2011, revised 07-28-11 (Sheets 35 & 36 of the plan set), He said Mr. Hall was referring to land where the road would have to go through on a conventional plan, saying a strip of land to connect through Mr. Jarry's property would be odd and useless. He said he had grabbed all the lots, saying he could put a conservation easement over that strip of land if the Board preferred, but would like not to do so, because it created an odd finger of land.

Mr. Hall said it was an interesting concept. He asked what the reason for retaining the access was. Mr. Basso said this was not for the public, adding that this was the only way Mr. Jarry could access the back land, on a woods road, for logging or other purposes. Mr. Hall objected that it was 50 feet wide. Mr. Basso said he had simply drawn it that way, saying he would be happy to take it off and only have the gravel access road. He said it was never meant to be a public road. Mr. Hall said doing that would eliminate all the angst and discussion.

Mr. Della-Monica referenced Pages 5, 6, and 7 of the plan set, saying they had to be renumbered.

Mr. Malley referenced Note 20 on Sheet 1, pointing out that the library access fee was no longer being applied. Mr. Basso said he would be happy to take that note off the plan.

Selectman Maddox referenced Note 11, questioning the verbiage. Mr. Basso said the driveway regulation was 10%, but the Fire Department always asked for a note

about mitigation measures for driveways over 10%. He said he would do whatever the Board wanted, saying no driveways over 10% were being proposed.

Selectman Maddox asked where logging would occur. Mr. Basso said Mr. Jarry owned a big tract at the rear, accessed by a logging road—adding that it would have to be done in the dry season. He said he only needed the easement for the small piece.

Chairman Russo said he was not certain how Mr. Basso had come up with all of the lots for the conventional plan. Mr. Basso said he had not used all the land, saying the road would have to come through Mr. Jarry's house lot if the conventional plan were used. He said he had only used the lots on the parcel being subdivided.

Selectman Maddox questioned how it could be counted if it was not on the parcel. Mr. Hall said he had the same problem, saying it was a unique interpretation and a stretch, and he was not sure he was getting it. He said the plan might be getting two more lots than it should get if it had a conventional approach, thereby needing a longer cul-de-sac than was normally approved.

Town Planner Cashell said each lot would have a minimal impact on lot size because of the property being so steep—acknowledging that these would be steep lots, but saying there was a lot of open space, so there was a lot of land that probably would not be used. Mr. Basso said protecting it with a conservation easement would amount to the same thing, saying he would be protecting the same amount of land, and arguing it accomplished the same thing but with a different method. Chairman Russo expressed a belief that an easement was needed.

Selectman Maddox asked if the road on the conventional plan came out at the same place as the old loop road. Mr. Basso said it did not, saying it came out where Mr. Jarry's driveway was.

Mr. Della-Monica said a conservation easement would preclude a road from being put through in the future. Looking at it in reverse engineering he said, if the theoretical road existed, he would not have to include that in his lot size calculations.

Chairman Russo asked if the Board members wanted to address the two waiver requests at this time. Mr. Della-Monica said the proposed changes would not affect the waivers.

Mr. Della-Monica moved to grant the requested waiver from the requirements of HTC §289-18 (B) (2), *Cul-de-sac Length*, citing the reasons for granting this waiver as being because the specific fire safety measures prescribed by the Hudson Fire Department, with implementation of same voluntarily agreed to by the applicant, would provide the means for the municipality to reasonably safeguard the residents of this Open Space Development from fire and/or other emergency events—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations. He also noted that the specific fire safety measures that were to be implemented by the applicant or his assigns, at his/her/their expense, must include: (1) construction of a turnaround in accordance with the Planning Board's Subdivision of Land regulations, (2) installation of fire suppression systems in the last four houses built off the cul-de-sac, and (3) installation of a 30,000-gallon cistern in the proximity of Station 2+00 of the cul-de-sac, as noted on the plan.

Mr. Barnes seconded the motion.

Mr. Barnes said this propose plan had less impact on the wetlands and natural features, and he was generally in favor.

Selectman Maddox counter-pointed that this was taking a quarter of the total land out of use.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members present voted in favor except for Selectman Maddox and Mr. Hall, who both voted in opposition, and Chairman Russo declared the motion to have carried (5–2).

Mr. Della-Monica moved to grant the requested waiver from the requirements of HTC §289-6 (D), *Fiscal Impact Study*, citing the reason for granting this waiver as being because the said study, in addition to the submitted plans, traffic study, CAP fee, and other submitted application materials, was not necessary to evaluate the fiscal impact of this development—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Barnes seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Della-Monica moved to defer further action on this application to the meeting of September 14<sup>th</sup>. Mr. Basso confirmed this would give him sufficient time to make the needed change. Mr. Barnes seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion to defer. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Chairman Russo declared a 15-minute recess at 8:50 p.m., calling the meeting back to order at 9:12 p.m.

**C. Vista Hills Estates  
SP# 07-11**

**Map 192/Lot 17  
68 Pelham Road**

**Purpose of plan: To establish a manufactured home park, consisting of 31 spaces, on a 39.5 acre parcel. Application Acceptance & Hearing.**

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell confirmed that so far only the conceptual plan had been seen, saying the plan was already for Application Acceptance.

Mr. Barnes moved to grant Application Acceptance; Mr. Hall seconded the motion.

Selectman Maddox said Atty. Westgate had previously said in another matter that zoning issues were out once a plan was accepted, and he asked if the road had been accepted. Town Planner Cashell said it had not, saying the Board might want to seek a legal opinion, adding that the Board might want to not consider Application Acceptance at this time because of that issue.

Atty. J. Bradford Westgate, of the firm of Winer and Bennett, LLP, 111 Concord Street, Nashua, New Hampshire, legal representative for the applicant, said he had submitted a letter on July 11 to Town Planner Cashell; he said he had seen Mr. Cashell's staff report, saying he agreed with the analysis but that the Board might want to seek advice of the Town Attorney. He said he felt Application Acceptance was still appropriate tonight, however, saying they would not argue that the Board could not seek that advice, and adding that accepting the application meant the Board would be in the right mode to deal with the application. He suggested that Application Acceptance was appropriate, saying he maintained that the cul-de-sac length restriction did not apply in this case.

Selectman Maddox noted that Atty. Westgate had previously said the Board was esstopped once it accepted a plan. Atty. Westgate said that had been with respect to zoning issues, saying this was not a zoning issue in this case but was an analysis of the subdivision regulations. He pointed out that the checklist system included zoning signoff; he said applicants and/or representatives always talked about the site plan regulations after Application Acceptance.

Mr. Della-Monica asked if the plan would have to go back to the ZBA if the Town Attorney disagreed and said that it fell under the cul-de-sac length requirement. Chairman Russo responded in the negative, saying this was a site plan issue.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members present voted in favor except for Selectman Maddox, who voted in opposition, and Chairman Russo declared the motion to have carried (6-1).

Mr. Patrick Colburn, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appeared before the Board as the engineering representative of the property owner, accompanied by Mr. Tony Basso from that same firm. Mr. Colburn reviewed past views of the property, saying what was now being proposed was a mobile-home park, noting that two different types of housing were allowed under HTC 334-43. He said the property was entirely in the G zoning district, currently being mostly wooded and undeveloped, with areas selectively cleared. He said there would a private lane, with the lots serviced by municipal water, and all of the homes would be

sprinklered. He said there would be a closed drainage system with bituminous curbing on both sides of the street, and he discussed the drainage and three separate stormwater management areas. He said the spaces within the manufactured-home park ranged from 15,000 ft<sup>2</sup> to 37,000 ft<sup>2</sup>, noting that 15,000 ft<sup>2</sup> was required. He said the open space would be maintained, covering 22 acres of permanent open space. He said there would be landscaping on both sides of the roadway, with lighting proposed on the sidewalk side (the western side). He referenced the design review hearing in September of 2007, saying it had been identified as Rocky Ridge Estates, then Vista Ridge, and now Vista Hills, adding that they were still working on the name.

Mr. Colburn then identified the revised plan posted on the meeting room wall, from which he was discussing details, as ***Presentation Plan, Vista Hills Estates, Map 192/Lot 17, 68 Pelham Road, Hudson, New Hampshire, Hillsborough County***, dated August 8, 2007, with revisions through September 28, 2011.

He noted that the two southerly abutters had been concerned about the access being across from their home, saying the access road had been shifted as far to the east as they could shift it. He noted that the Board had asked for a short road to be removed, which they had done.

He said they had moved forward with the design following the December 2010 meeting, conducting a site walk with the Conservation Commission and receiving a favorable recommendation for the crossings from the Conservation Commission and the Planning Board, along with approval from the Zoning Board of Adjustment. He said the plans had been forwarded to DES and permits had been granted, noting that a closed culvert had been redesigned for an open box culvert, as required by the Army Corps of engineers.

Noting that concern had been expressed by several Board members about the previous plan that many of the previously proposed spaces encroached on the 50-foot wetland nondisturbance buffer, he said all 31 spaces on the present plan were pulled out of the buffer, adding that the four spaces that were near the buffer would have a split-rail fence with Conservation Commission placards in those areas. He also noted that an additional four units had been proposed before, noting that a revised plan had been shown in December of 2007. He noted that a site walk had been conducted with the Conservation Commission, saying the plan had received favorable recommendations from the Conservation Commission and from the Planning Board, with Wetland Special Exceptions subsequently being granted by the Zoning Board of Adjustment. He said the plans had then been submitted to the New Hampshire Department of Environmental services (NH-DES), which had then forwarded the plans to the U.S. Army Corps of Engineers and also to the Federal Environmental Protection Agency, adding that NH-DES had subsequently issued the requested permits, with the first crossing being redesigned to provide an open-box culvert, which had been a requirement of the Army Corps of Engineers. He said the applicant had been pursuing alternative water supply and municipal sewer services, noting that the applicant and owner of this property enjoyed rights to the Hilindale subdivision utility easements but subsequently had made arrangements to extend water service from the Oak Ridge development through a proposed utility easement, which would prevent the need for a temporary wetland crossing to connect to the Hilindale subdivision. He said the

applicant had requested the Sewer Utility Commission to allow an extension into this property, saying the Sewer Utility commission had recommended in favor of this because this proposal provided affordable housing, but the Hudson Board of Selectmen had voted to deny that connection for reasons of capacity at the Nashua treatment plant—adding that the applicant had then pursued an alternative plan to extend from the Oak Ridge development, but the Board of Selectmen had again denied the connection for the same reason. As a result, he said, they were now proposing and had submitted applications to NH-DES for individual septic systems. He said the previously granted Wetlands Special Exceptions had expired during all that process, but he had gone through the process again this year, adding that the Conservation Commission now wanted all of the crossings to be open-bottom boxes. He said the plans addressed all comments from CLD and from Mr. Buxton, saying all the other permits remained active, but the permit for the change to open-bottom boxes was still pending. He then concluded his presentation by noting that waivers were being requested for noise study and fiscal environmental study.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against or with questions, Chairman Russo declared the matter before the Board and asked if any members of the Board had any questions.

Mr. Ulery asked if Ms. Merrill had had conversations with the family that had been present earlier in the meeting with an infant and if they had concerns. Ms. Merrill said they (David and Sharon Mora, 66A Pelham Road) had told her they lived behind the site, but had not expressed any concerns, adding that she had told them they could watch the proceedings of this meeting on television.

Mr. Hall asked if these would be rented spaces or rented mobile homes on a space, or both. Atty. Westgate said that had not been decided as yet, noting that under the Mobile Home ordinance, a mobile home park could be rented or condominium form. Mr. Hall asked how they would make sure the sprinkler system was installed and operating if the developer was not going to own the units. Atty. Westgate said the sprinkler systems would have to be installed before a Certificate of Occupancy could be granted—adding that there would not be an association but it would be the owner/renter's obligation. He confirmed that this would be manufactured housing units. Mr. Hall asked if manufactured houses were typically manufactured with sprinkler systems in them. Mr. Colburn said his father did a lot of work for a manufacturer of homes such as these. and they certainly could be manufactured with sprinkler systems integrated in them; he noted that these did not come in already built but came in on flatbed trailers, in pieces, and then were assembled on location. Mr. Hall asked what kind of foundation would be provided. Mr. Peter Noury, the principal, sitting in the audience, said it would be a four-foot frost wall with a slab. Mr. Hall asked about heating, questioning if there would be kerosene tanks outside the buildings. Mr. Noury said it would be propane.

Selectman Maddox asked who would be responsible for the open space if there would be no association. Atty. Westgate said he was not saying there would not be an association but that it had not been determined as yet. He said these were market-driven issues that were not really determinable at this stage, but the property owner

would be responsible. Selectman Maddox said the Board needed to understand how this area would be protected and how the sprinklers would be maintained. Atty. Westgate said there would be a submission of condominium documents or he could provide covenant-type language if the Board wanted.

Selectman Maddox asked about the fire hydrant location. Mr. Colburn said it would be right near Pelham Road.

Chairman Russo said there was virtually no maintenance of a built-in sprinkler system if it was on municipal water.

Mr. Della-Monica asked if a booster pump would be required. Mr. Colburn said the water service proposed for Oak Ridge had come from Woodland Heights, which had a booster pump for that extension. Mr. Della-Monica said this would be a part of that.

Mr. Barnes asked how many bedrooms would be in the units. Mr. Colburn said there would be two bedrooms. Atty. Westgate said the association would be responsible for maintaining the units if they went the condominium route, the owner would be if they went for rental units.

Mr. Ulery noted that four fire hydrants had been suggested by the Fire Department. Mr. Colburn concurred.

Mr. Della-Monica asked about garages; Mr. Colburn said these would be two-bedroom units with an attached garage. Chairman Russo asked if the garage would be a part of the manufactured unit; Mr. Colburn said it would be stick-built.

Mr. Hall asked for the size of the depicted square for the units. Mr. Colburn said it would be 22 by 22 for the garage, 28 by 50 for the housing units.

Selectman Maddox referenced Page 29, noting a 28-inch pump chamber was proposed; he asked if this was for all the units. Mr. Colburn answered in the affirmative, saying they would be distributed to four septic fields. Selectman Maddox said this was why the Board needed to understand the ownership, so the Board would know how the utilities would be controlled. Mr. Colburn said it would be either the association or the park owner, adding that he envisioned snow storage as pushing it into the front yards, saying there were extensive areas that could be used, outside of the wetland areas.

Mr. Barnes asked if trash pickup would be included. Mr. Colburn said the applicant would contract that privately, saying the Road Agent had made it clear that the Town would not provide that service.

Mr. Barnes asked about features within 200 feet, saying the abutter who had been present earlier had had to leave, but he did not see any buildings in the aerial view. Mr. Colburn said features outside of 200 feet came from Town topo data but there might be newer houses. Town Planner Cashell displayed an aerial view, designating where he thought the people who had left lived, saying he thought it was a duplex. Mr. Barnes said features within 200 feet had to be shown, or else a waiver would be needed. Town Planner Cashell concurred.

Mr. van der Veen asked if the roads could be shown on the plan. Mr. Colburn said the easiest way would be to look at Sheet 7, where the stations were labeled, and look at the profile, where the stations were also labeled.

Mr. van der Veen asked if waivers were needed for what CLD had questioned. Town Planner Cashell said CLD was still evaluating. Mr. Colburn said CLD had been concerned about fire apparatus and had suggested that the applicant work with the Fire Department, which he had done. He noted some changes that had been made at Chief Buxton's request.

Mr. Della-Monica recalled an area-wide power failure of a couple years ago, noting that municipal water coming in would probably be available, but he questioned what would happen with the sewer pumps, saying things could come in but not out. Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, also appearing before the Board as the engineering representative of the property owner, said the State required either backup generation or storage (he thought for a 24-hour period), and these septic plans had to be designed to accommodate one or the other. Mr. Della-Monica said this was a serious problem, saying it should be addressed somewhere in the plans, as renters might not be cognizant of the potential problems.

Chairman Russo asked Mr. Basso to explain the idea of the pumped stations and forced mains, in laymen's terms. Mr. Basso said the leach fields flowed downhill and sewage would be pumped through forced mains to the leach fields, which were on a remote part of the site. Chairman Russo asked if each home would be pumping into the common forced main. Mr. Coburn and Mr. Basso expressed agreement. Chairman Russo said that was pretty intense, saying he would feel more comfortable with sewage going into a main catch-basin station and then pumping to lift it up. Mr. Basso said it related to blasting, so it might end up with two pumping stations. Chairman Russo said he thought using two pump stations had been discussed before; Mr. Basso said he did not recall that. Chairman Russo asked what size pumps were being planned. Mr. Colburn said he did not have the septic pans with him tonight and could not check. Mr. Basso said the septic plans had to be figured out by the contracted septic designer.

Town Planner Cashell referenced Sheet 24, asking if this were a profile of Pelham Road. Mr. Colburn replied in the negative, saying these pertained to the access to the leach fields. He said the maximum profiles would be within 7%, saying the access to Pelham Road would be 3% for a length of 50 feet or so, referring to Sheet 21.

Selectman Maddox referenced Note 25, suggesting that a note for snow plowing should be added. He asked about the radii; Mr. Colburn said it was 57 feet, saying the Fire Department had not said this did not comply.

Mr. Ulery said the Fire Department had talked about some requirements, asking for elaboration on what they were requiring. Mr. Colburn said the plan must comply with FDA1, Section 18, which simply said it must comply with AHJ, which would be Chief Buckley. Mr. Ulery said the letter said Mr. Coburn had discussed the cul-de-sac turning radius with Chief Buxton. He asked about a reference to 1141, asking what this said; Mr. Colburn said he could not say at this time, but Chief Buxton had it. Mr. Ulery said it

might be beneficial if the Planning Board knew what 1141 said. Mr. Coburn said he believed the Town's requirement for a cul-de-sac was 60 feet.

Selectman Maddox said, because of the density, he was concerned with the cul-de-sac, saying people would have a tough time getting around if there were a lot of visitors, saying it looked like an awfully tight radius. Mr. Colburn pointed out that the Board was looking at a 100- or a 40 scale plan. Mr. Basso said they could demonstrate with their software that a fire truck could turn around on the site, saying the standard in site plan regulations for travel ways was 24 feet in width, noting that Chief Buxton had agreed with it. He noted that a 22-foot width had been rejected by Chief Buxton for the Oak Ridge plan, and he had asked for a 24-foot width instead at that time. He discussed details, saying there would be room for fire trucks to pass.

Mr. Della-Monica asked what the differential was between the highest and lowest points in the system, asking about the point at which the sewage had to crest. Mr. Colburn said the lowest spot in the roadway was elevation 193 and the peak crest curve was 265, so the differential was about 73 feet. Chairman Russo said the pumping would be for the homes to the leach fields; Mr. Della-Monica said he was talking about the fact that for every 33 feet going up there would be another 14 psi required, and he expressed concern about possible popping of break-away valves if everyone were using the system at the same time, such as on Super Sunday breaks. Mr. Colburn said he would have to review each of the arrangements. Mr. Basso said more importantly they had to size the pumps and rating curves in accordance with State requirements, saying that was all dealt with at the State level, adding that it was based on peak loading. Chairman Russo said the pump stations were not hermetically sealed, saying they would leak if they had to do so; he said the worst that would happen would be that there would be some fluids coming out of the cover. Mr. Della-Monica demurred, saying solids could come out. Mr. Basso demurred, saying the solids would be trapped. Mr. Della-Monica referenced Sheet 32, commenting on the size details. Chairman Russo said the system would relieve if filled. Mr. Basso said a problem with many days of loss of power was addressed by having enough time to deal with the issue, saying this was the reason for the storage requirement. Chairman Russo expressed concern about the size of pump that would be required. Mr. Basso said it was a site-specific arrangement, saying it was not unusual. Mr. Della-Monica suggested that the renters or residents should be informed of what they should do. Mr. Basso said they would take the Board's concerns and comments into consideration. Mr. Basso noted this would be a private system on private property, saying there was no expectation that the Town would have to take it over.

Selectman Maddox noted that this was outside of the Town's sewer district, and the Town did not have enough capacity for what was already within the district, which was why the Board of Selectmen had denied it. He then asked if this would meet the workforce housing criteria. Atty. Westgate said it was not being applied for under the workforce housing statute, but it would meet the Workforce Housing price point. He then expressed a belief that the Workforce Housing statute was not well enough developed to be functional—noting that he was on the Greater Nashua Workforce Housing Commission. He then referenced the Massachusetts statutes, saying it worked in communities close to Boston, where the delta between affordable price and

market price was tremendous, but not in communities further out, where there was very little delta.

Selectman Maddox said he would have granted the waiver for the longer cul-de-sac if this were for workforce housing and bringing water and sprinklers out to Pelham Road. Chairman Russo asked Atty. Westgate what the implication would be if the Board said a waiver was needed. Atty. Westgate said there would be a problem if the Board did not grant it, so they had preferred not to go down that road. He noted that not much was being done in the first 1,000 feet of the property, and he said they did not think the regulations imposed the 1,000-foot cul-de-sac limit in a site-plan setting—adding that they would analyze whether to do so if the Board demanded a waiver request. He said they were not trying to be argumentative, but this was a pretty unique piece of property, hinging on that issue. Chairman Russo said his take was that they had taken a definition of “street” and played the word in such a fashion that it was not a public way since it was a private road; Atty. Westgate concurred, saying he maintained that the word “street” in the subdivision requirements meant a public way and that the public-road standards of the subdivision regulations did not apply to a private road. Chairman Russo said he could not disagree more, saying he felt a private street was a public way, as it was accessible to anyone who accessed it, such as to visit someone living in the development. Atty. Westgate said this did not mean it was a public way. Chairman Russo said he did not see a rationale for this Board to exclude a private road from that regulation. He said he did not have a problem with the subdivision and thought it was a great idea, with the waiver being granted—noting that this had been talked about at the two conceptual meetings, and this whole approach surprised him, as now the Planning Board was going to the Town Attorney and he did not know what the result would be. Atty. Westgate said his approach was the path of least resistance, saying he could not take the legal arguments lightly, either—but, if on the merits this project deserved the waiver, or it was justified, he would be happy to hear other Board members’ thoughts, and he was not discounting the idea of applying for it.

Town Planner Cashell said one of Atty. Westgate’s strongest arguments had been that it did not include the subdivision of land. Atty. Westgate said another provision was that the ordinance for manufactured home parks talked about spaces on a private road, saying it would run counter to past approvals of condominiums, for which Town street specifications had not been applied—noting that Oak Ridge got approved with 20-foot widths. Mr. Cashell expressed a belief that Atty. Buckley’s position was that separate spaces were subdivision properties, with each one entitled to its own deed if they were individually owned. Atty. Westgate said that would take the discussion to an whole other analysis. Mr. Cashell said seeking Town counsel’s advice was probably a good step for the Board to take, as the Town most likely would be seeing this sort of thing more and more.

Mr. Della-Monica said he agreed with Chairman Russo and Selectman Maddox, saying he would be inclined to vote for the waiver, given the Fire Chief’s approval. Selectman Maddox noted that the restriction of cul-de-sac length to 1,000 feet was not just for Fire Department purposes, saying there were a number of other reasons for the limitation.

Selectman Maddox moved to defer further action on this matter to the meeting of September 14th, to get a visit from the Town Attorney. Chairman Russo asked if a visit were needed. Selectman Maddox then suggested doing it at the September 7th workshop meeting. Mr. Ulery expressed support of that approach.

Mr. Barnes seconded the motion.

Mr. Hall said the applicant should be prepared to discuss mail delivery before the coming back to the next hearing.

Town Planner Cashell suggested centering the September 7<sup>th</sup> workshop around Atty. Buckley and having him also provide information about legal updates affecting the Board, etc.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

#### V. MINUTES OF PREVIOUS MEETING(S) (Continued)

Chairman Russo returned to the issue of reviewing past minutes, which had been deferred earlier in the meeting.

Mr. Della-Monica referenced the minutes for July 27, 2011, requesting the following changes:

- Page 5, 2<sup>nd</sup> paragraph from bottom, 2<sup>nd</sup> line; incomplete sentence "No one coming forward to provide input," should be struck.
- Page 7, 3<sup>rd</sup> paragraph from the bottom, 4<sup>th</sup> line; the word "cards" should be "cars."
- Page 9, 1<sup>st</sup> paragraph, 1<sup>st</sup> line; should say "tradeoff with the neighbors in the back and neighbors to the south."
- Page 9, 3<sup>rd</sup> paragraph, 1<sup>st</sup> line; should be "apartment" instead of "department."
- Page 12, 2<sup>nd</sup> paragraph from bottom, he said he had expressed doubt that there would be any instances, not that there would not be any; he suggested striking "not."
- Page 23, last paragraph, should be carpet only on the stairs.
- Page 24, 1<sup>st</sup> paragraph; he noted the reference to Planning Board "expendable trust funds"; he said there were three references, with different words used. Chairman Russo said it should read "expendable account" for all three instances.

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No other change requests being brought forward, Mr. Della-Monica moved to accept the 07-27-11 minutes as amended; Mr. Malley seconded the motion.

**VOTE:** No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

**XV. OTHER BUSINESS**

No **Other Business** items were addressed this evening.

**XVI. ADJOURNMENT**

All scheduled items having been addressed, Mr. Hall moved to adjourn; Mr. Della-Monica seconded the motion.

**VOTE:** Chairman Russo called for a verbal vote on the motion. All members voted in favor.

Chairman Russo then declared the meeting to be adjourned at 10:49 p.m.

Date: September 5, 2011

\_\_\_\_\_  
Vincent Russo, Chairman

J. Bradford Seabury, Recorder

\_\_\_\_\_  
Edward van der Veen, Secretary

These minutes were accepted as submitted following review at the 11-09-11 Planning Board meeting.